

Amendment to SB 455-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Paragraph; Firearms, Ammunition, and Knives. Amend RSA 159:26 by inserting after
4 paragraph II the following new paragraph:

5 III.(a) No political subdivision shall be liable for personal injury or property damage
6 resulting from ownership, possession, use, or transportation of any firearm, firearm components,
7 firearm supplies, or knife by an employee or official of the political subdivision, except for any
8 employee or official who is required to possess or use the same as a condition of his or her official
9 duties and who is acting in the course of such duties, and subject to any other defenses or
10 immunities under the law.

11 (b) Subparagraph (a) shall not preclude liability if (1) an employee of a political
12 subdivision poses an obvious risk to others based on past conduct known to the employer, (2) the
13 employer, knowing that the employee regularly possesses a firearm or knife while performing his or
14 her duties, fails to take measures to prevent the employee from causing harm to the public or other
15 employees, and (3) as a result of such failure, the employee causes an injury for which an action for
16 damages against the employer would otherwise be permitted under the laws of the state. In the
17 case of an injury to or death of an employee of a political subdivision, this paragraph shall not affect
18 any claim under RSA 281-A or any claim or benefit under any insurance policy, pension plan, or
19 other benefit arrangement provided by the employer. Nothing in this paragraph shall create a
20 cause of action if the political subdivision would otherwise be immune under RSA 507-B or any
21 other law.

22 2 Applicability. This act shall apply to any injury for which an action to recover damages has
23 not been commenced prior to the effective date of this act.

24 3 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill provides immunity to a political subdivision for personal injury or property damage resulting from the ownership, possession, use, or transportation of a firearm or a knife by an employee or official of a political subdivision, and provides exceptions to this immunity under certain circumstances.